



## OGDEN VALLEY TOWNSHIP PLANNING COMMISSION

### **AMENDED REGULAR PLANNING MEETING AGENDA Monday, June 25, 2012 5:00 p.m.**

- *Pledge of Allegiance*
- *Roll Call*
- 1. **Minutes:**
  - 1.1. Approval of the May 22, 2012 minutes
- 2. **New Business:**
  - 2.1. USU Water Quality research report presentation by Darwin L. Sorensen, PhD, Research Professor, Utah State University
- 3. **Public Comments:**
- 4. **Planning Commissioner's Remarks:**
- 5. **Staff Communications:**
  - 5-1. Planning Director's Report
  - 5-2. Legal Counsel's Remarks
- 6. **Adjourn**                      **Adjourn for a Work Session**
- 7. **Work Session Agenda Items:**
  - WS-1. **Update & Discussion:**
    - Weber County Zoning Ordinance chapters to be amended in conjunction with the Agri-Tourism Ordinance

*The meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah.*

*No Pre-meeting will be held*

*In compliance with the American with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791*



Minutes of the Ogden Valley Township Planning Commission meeting held May 22, 2012 in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Kevin Parson, Chair; Greg Graves, John Howell, Laura Warburton, Dennis Montgomery

Absent/Excused: Ann Miller, Pen Hollist

Staff Present: Rob Scott, Director; Ben Hatfield, Planner; Sean Wilkinson, Planner; Chris Allred, Legal Counsel; Sherri Sillitoe, Secretary

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***Pledge of Allegiance***  
***Roll Call***

**1. Minutes:**

Chair Parson declared the minutes of the March 27, 2012 meeting and the May 01, 2012 minutes approved as written and the April 24, 2012 meeting minutes as amended by Commissioner Warburton and Commissioner Howell.

**2. Consent Agenda:**

- a. UVC 092011 Consideration and action on a request for final approval for the Two Saddles View Subdivision (2 lot) located at approximately 5400 N North Fork Park Road, Liberty (Garth Tesch, Applicant)
- b. Consideration and action on a request for final approval for the CTM Subdivision (2 lot) located at approximately 2875 E 5900 N, Liberty (Cody Todd Montgomery, Applicant)
- c. Consideration and action on a request for final approval of the Rex Mumford Subdivision 1<sup>st</sup> Amendment (2 lot) and a recommendation for the vacation of the Rex Mumford Subdivision located at approximately 8115 E 500 S, Huntsville (Rex Mumford, Applicant)
- d. Consideration and action on a request for final approval of The Legends at Hawkins Creek 2<sup>nd</sup> Amendment Subdivision (1 lot) and a recommendation for the vacation of lots 25 of The Legends at Hawkins Creek Subdivision including all public utilities therein located at approximately 6548 Chaparral Road, Huntsville (Stanley Berniche, Applicant)
- e. Consideration and action on a request for final approval for the Cross Ranch Subdivision (1 lot) located at approximately 7300 E Stoker Lane, Huntsville (Craig Cross, Applicant)

3.1 UVC 040512a Consideration and action on a request for final approval of The Chalets at Ski Lake Phase 6 (14 lots) located at approximately 6000 E Quail Lane, (Valley Enterprise Investment Company, LLC, Applicant)

3.2 UVC 040512b Consideration and action on a request for final approval of The Chalets at Ski Lake Phase 7 (14 lots) located at approximately 6000 E Hawks Lane (Valley Enterprise Investment Company, LLC, Applicant)

Steve Clarke, Eden, noticed that the staff report for the first two subdivisions indicated that no report had been received from Weber Pathways regarding trails and the other three reports did not even mention trails. Would that requirement be included prior to final approval? Ben Hatfield said that since the merger of Ogden Valley and Weber Pathways, staff has not been receiving reviews from Weber Pathways for subdivisions. The subdivisions tonight are all on roads where trails or sidewalk would be located in the right of way rather than on private property. Steve Clarke said that per the Ogden Valley ordinance, Weber Pathways should be asked for their review. Presently the person who had been doing those reviews has been dealing with an aging mother but the Planning Division staff should ask him for his input.

Sean Wilkinson said Weber Pathways is one of the county's reviewing agencies. During the staff's review, they carefully look at the Pathways Ordinance to determine if the project complies. In the case of the Chalets at Ski Lake, pathways were shown on the overall plan approved in 1998 and they will be built as shown on the preliminary plan.



Ralph Hansen, a neighbor, indicated his concern about the Craig Cross Subdivision and the County road leading to the potential home that the county has not maintained. You cannot get a tractor down the road due to fallen trees in front of Mr. Cross' home site that the county has not removed and he wonders what the County would do with their obligation? Ben Hatfield said Stoker Lane is a substandard county road and a substandard road agreement would need signed. Chair Parson asked Ben Hatfield who was responsible to maintain the road, and Mr. Hatfield replied that the County is responsible. Commissioner Warburton asked if the substandard road designation mean substandard maintenance. She also asked whom the neighbors would contact to find out about the road and Ben Hatfield replied that they could contact the County Engineer.

Commissioner Howell asked how many homes would be built and it was reported that one new home would be built and that there are four existing houses on the east side and three on the west.

MOTION: Commissioner Warburton moved that Agenda Items 3.1 and 3.2 be moved to the Consent Agenda. Commissioner Graves seconded the motion. Motion Carried (5-0).

Ben Hatfield indicated that roads are built when people want to develop and the County requires them to put in certain improvements. In this case, there is an existing road and nobody has chosen to develop along it except at the end of the road. This applicant is somewhat in the middle and he is requesting that he be not required to develop the entire length of the road at this time. He will need to participate in the improvements in front of the lot when the County brings the map up to County standards.

Rob Scott said the Planning Division, the Roads Division and the Weber County Engineering Division are under the Weber County Operations Umbrella. The Roads Division and the Weber County Engineering Division go hand in hand regarding the road maintenance and improvements for the county roads.

Steve Clarke said his question is if they approve a lot for a residence, should the road be brought up to county standards or is it at the time the home is constructed.

Commissioner Graves said this is a one-lot subdivision not connected to any improvement on either side. If there is a concern about maintenance on that road, the County Road Department should be contacted.

Ralph Hansen asked when he decides to build across the road, would he be responsible to improve the entire road, and Commissioner Graves said the county would determine the responsibility.

MOTION: Commissioner Warburton moved to approve the Consent Agenda Items. Commissioner Montgomery seconded the motion. Motion carried (5-0).

#### **New Business:**

#### **3.3 UVH 050412 and SUBVAC 05-1**

Consideration and action on a request for final approval of Hidden Haven Cove Subdivision and a request to vacate Lots 1, 2, and 4 of Hidden Haven Estates Subdivision and Lots 9 through 12 of Hidden Haven Estates Subdivision Lot 3 1<sup>st</sup> Amendment located at approximately 6250 E 1600 N (Randy & Steffnie Shepherd and Nicole Ashton, Applicants)

Sean Wilkinson presented a staff report and indicated that Hidden Haven Cove Subdivision is an amended subdivision which is replacing Hidden Haven Estates Subdivision Lots 1, 2, and 4 and Hidden Haven Estates Subdivision Lot 3 1<sup>st</sup> Amendment consisting of 4 lots. The original boundaries from these subdivisions remain the same and no additional lots are being created. However, Lot 4 of Hidden Haven Estates is being designated as common area and the existing dwelling on the lot will be used as a clubhouse.

Each of the six lots meets the applicable lot width/frontage and area requirements, but the common area must have access across its own front lot line. It appears that the driveway built to serve the existing residence on Lot 4 of Hidden Haven Estates was built on a different lot, which does not comply with the requirements of the Zoning Ordinance. This



situation must be addressed prior to the subdivision being recorded. The access easements through Lots 5 and 6 to the common area are allowed, but the main access must still be across its own frontage.

The common area contains 9.4 acres and the improvements include a clubhouse, small parking area consisting of 12 stalls, and landscaping as shown on the "Common Area Concept Site Plan." No lighting or signage is proposed. The clubhouse is for the private use of the subdivision owners and their guests, but it cannot be used for commercial purposes or for overnight accommodations. Due to the inclusion of common area and the existing private road for Lots 3, 4, and 5, a Homeowners Association is required. The HOA bylaws/CCR's must be provided for review prior to final approval by the County Commission and recorded in conjunction with the subdivision plat.

As part of the subdivision amendment process, Lots 1, 2, and 4 of Hidden Haven Estates Subdivision and Lots 9 through 12 of Hidden Haven Estates Subdivision Lot 3 1st Amendment will be vacated. A recommendation from the Planning Commission to the County Commission is required for these lot vacations to occur and that process keeps the title clear.

Staff recommends approval of Hidden Haven Cove Subdivision, subject to the conditions of approval, based on its compliance with applicable Subdivision and Zoning Ordinance requirements. This recommendation includes vacating Lots 1, 2, and 4 of Hidden Haven Estates Subdivision and Lots 9 through 12 of Hidden Haven Estates Subdivision Lot 3 1st Amendment.

Commissioner Howell asked how many homeowners are in this subdivision, and Sean Wilkinson indicated that there are presently two. There will be six total lots in the subdivision and then the common area. The clubhouse exists now.

Commissioner Warburton asked why the private owners could not allow their guests to stay overnight in the clubhouse if they are not charged to do so. Mr. Wilkinson indicated that the bedrooms would be removed and there would be a difference in building codes.

Dennis Montgomery indicated that to have it as a clubhouse, it changes the occupancy of the building.

Commissioner Warburton asked if they wanted to have a night watchman dwelling, could overnight guests be allowed. Mr. Wilkinson indicated that a night watchman is a conditional use.

Randy Shepherd, Eden, said he owns both of the lots and he understood that he could have a shared road agreement. There is no problem shifting that over and the driveway could be shared. The house is completely not finished on the inside; he did not want to finish it because he was going to sell it and the new owners would want to finish it the way they would want to.

Commissioner Warburton asked if there are actually seven homes, is the clubhouse still going to be a clubhouse, and Mr. Wilkinson said there are only six lots and the clubhouse would be part of the homeowners association.

Jeremy Booth said he lives next door to the property. He indicated that there are many people in the neighborhood that are concerned about the increased traffic. The concern is access. His impression is that access from one road was not going to be available but now he found out that the access from that road would be the only access. He would be concerned if the clubhouse would act as a commercial showcase for other developments that the potential buyer has. Who is going to be gaining access and is there any way to know what is meant by "their guests." He is concerned that the group that is purchasing the entire area is also purchasing Powder Mountain and will have many guests there who would also have access to this clubhouse.

Joan Storey Wells owns the property adjacent to the Hidden Haven Subdivision off Stringtown Road that is not currently subdivided. Her brother Craig Storey owns the other side. They own a private road between their two properties. They own a private road through their land so that when they sold their lots it would be for an exclusive purpose and she wonders who will control access to the clubhouse. If the clubhouse is only for the use of the homeowners in the subdivision, why do they need such a large clubhouse? They are opposed to people having access to the clubhouse off the private road.



Commissioner Warburton asked if the access that the applicant is receiving on the private road, and Sean Wilkinson replied that the lot is a private road, 1600 North, with a gated access. When Hidden Haven Estates Lot 31<sup>st</sup> Amendment was proposed in 2008, the three lots had access from 1600 N. There is a private agreement between four property owners and there has been some speculation that maybe the applicant has fulfilled his obligation under that agreement. The County cannot guarantee that there is access on a private road.

Joan Storey Wells said Mr. Shepherd has not paid anything on that private agreement. Commissioner Warburton said that is a matter civilly enforced. Ms. Wells asked if the new owners did not follow through with their requirements for the clubhouse, who would enforce them? Commissioner Warburton indicated that enforcement is on a complaint basis and they cannot regulate the size of the clubhouse. Sean Wilkinson said the County does not guarantee that there is access on that private road. The County would not get involved with whether or not that agreement has any ramifications on the subdivision. Technically, two private roads provide access to the overall boundary of Hidden Cove Subdivision.

Carol Vigil said this is a quiet neighborhood and the cul-de-sac was built to access three houses. Now, there is an access problem with the common area. They already have people coming down that road looking for lake access all the time. There are wetlands on that common ground that could be a concern as well. She is concerned that the clubhouse use would turn into a commercial enterprise.

Randy Shepherd said none of the common area is wetlands or floodplain. When he purchased the property from the Storey's, there was no access. They developed an agreement was that if and when someone decided to subdivide they would participate He is not obligated to pay into the agreement because no lots have been sold nor have the other parties have paid into the agreement because they are in the same position. All parties need to hash out what is fair on the agreement.

Alan Wheelwright wonders if Summit Series buys the property, how the traffic would be controlled to the large clubhouse.

Chris Allred said the scope and the use of the clubhouse is limited to the homeowners that live there. If the clubhouse is being used for something other than for the homeowners and their guests or if it goes beyond that scope, a zoning enforcement officer could be asked to investigate.

Mark Rasmussen asked if the 4,400 sq. ft. is the total footprint without the garage, and Sean Wilkinson said the 4,400 sq. ft. is the footprint of the existing structure. Randy Shepherd said there is 4,400 sq. ft. on the main level and there are three levels. He is also concerned about the future high traffic volume going through there.

Greg Morrow said he works with the Summit Series. If the county did not require it, they would not even want the access that touches this property. Their preference is not having the access at this location.

Commissioner Warburton asked if it would be appropriate to have a crash gate. Sean Wilkinson replied no; they are required to have access from their front lot line. Greg Morrow said he believes that they would not follow through with the transaction unless the people in their group would buy both. If allowed they would like to have the lower road as their primary access.

Commissioner Graves indicated that the plan is for access off the cul-de-sac. Sean Wilkinson said we require access from their front lot line. The primary access would remain the same. If they choose to establish an access easement, it could be done after recording the plat.

Jeremy from Gardner Engineering said they are requesting a secondary access in the rear at this time. Sean Wilkinson said Chapter 24 of the zoning ordinance states that access in a subdivision must be across the front lot line or as otherwise approved by the land use authority. There are access easements that could be recorded that could grant access through someone's lot to another lot as in this case.



Commissioner Warburton clarified that her question was regarding the applicant's intent, not necessarily what they were now proposing. Commissioner Howell said they have to make their decision based upon the ordinances in place.

Commissioner Warburton asked who would review the by-laws, and Sean Wilkinson replied the County Attorney's Office would review the by-laws. She suggested that the board members could also review the by-laws.

**MOTION:** Commissioner Warburton moved to recommend final approval of UVH 050412 and SUBVAC 05-12 on a request for final approval of Hidden Haven Cove Subdivision and a request to vacate Lots 1, 2, and 4 of Hidden Haven Estates Subdivision and Lots 9 through 12 of Hidden Haven Estates Subdivision Lot 3 1<sup>st</sup> Amendment located at approximately 6250 E 1600 N (Randy & Steffnie Shepherd and Nicole Ashton, Applicants) on the basis that it would comply with all staff and other agency recommendations. Commissioner Howell seconded the motion.

**DISCUSSION:**

Commissioner Graves clarified that the access comes across its own frontage and that the recommendation for approval would also include the vacation of Lots 1, 2, and 4 of Hidden Haven Estates Subdivision and Lots 9 through 12 of Hidden Haven Estates Subdivision Lot 3 1<sup>st</sup> Amendment.

Commissioner Warburton said that she agrees with Commissioner Parson that enforcement is complaint driven. She has a rule in her house that if you have a complaint, then you better come with a solution. She agrees with the following: Complain, identify the problem, and develop a solution.

**VOTE:** Motion Carried (5-0).

**3.4 ZTA 2012-04 Amendments to the Weber County Zoning Ordinance Chapter 32B (Ogden Valley Signs), Chapter 1 (General Provisions) regarding the provisions for temporary signage including political signs**

Rob Scott presented a staff report and indicated that as they discussed in the last work session, it was brought out that there are two sign ordinances in the Weber County Zoning Ordinance one for the Western Weber County and one for the Ogden Valley. In response to a complaint by the ACLU, the County Attorney's office has reviewed the sign ordinance and found that there are provisions that need to be remedied.

This proposed amendment to Chapter 32B (Ogden Valley Signs) addresses the issues the Attorney's office is concerned about. The proposal does three things, i.e., makes political signs content neutral, places them under the umbrella of temporary signs, and makes adjustments to definitions and other minor changes to be consistent with Chapter 30 (Land Use Permit, Building Permit and Certificate of Occupancy), Chapter 32 (Signs), Chapter 23 (Supplementary and Qualifying Regulations), and building and fire codes. Staff researched a number of other jurisdiction's ordinances in making this recommendation.

The Ogden Valley Planning Commission (OVPC) conducted a work session on May 2, 2012 and the proposed amended ordinance reflects the Planning Commission's requested changes. In addition to the political sign amendments, the OVPC is recommending that gate or arch signs be allowed to increase from 8 square feet to 30 square feet and that nameplate signs increase from 2 to 4 square feet.

Rob Scott indicated that after reviewing the draft ordinance with the Western Weber County Township Planning Commission, staff put the proposed ordinance on the website and received an email from Steve Clarke expressing a desire to have signage for the upcoming fundraiser for the Community Foundation of Ogden Valley. His response to that email was that until the sign ordinance changes, staff does not have the ability to do anything but what the ordinance states in Chapter 32B-12-C. The proposed ordinance is based upon these standards; however, the OVPC has discussed expanding the size to 16 square feet for the event location and allowing directional signs to be 8 square feet. Neither ordinance allows yard signs or banners on private property other than the event location. In essence, if there is a desire for adding yard signs and banners other than at the event site then this new sign type would be required. Standards for size, location, duration, and numbers of signs would also be part of this. There are 20 special events scheduled to date, we are anticipating more, for the Ogden Valley for this year. Identifying appropriate standards for this number of events and expanding the number of allowed signs is a challenging task to ensure that Ogden Valley does not become inundated with signs.



Steve Clarke, Representing the Community Foundation of Ogden Valley as Chair, said as a community foundation, they feel like their need is different of a group that would run an event in just one day.

1. Mission "Improve the lives of Ogden Valley residents and visitors through philanthropic leadership and community service." Unite all who spend time in the valley.
2. Special Event/Public Event Location - there will be three parts: 1) A campaign, which involves each family, 2) A celebration at Wolf Mountain (or backup location). Amazing Raise (Annual event), 1 day September 8, and 3) A challenge donor project where they invite people to donate to the match fund which is used to match the money that is raised and then all the money goes to all the non-profits in the Ogden Valley.  
Commissioner Graves asked who the non-profits are, and Mr. Clarke replied Weber Pathways, Weber School Foundation, Land Trust, Wolf Creek Foundation, and then there are several small non-profits such as the Valley Camp, Ogden Valley Recreation, PTO's from the schools, etc.
3. Communication Need – Reach every family which spends time in the Valley to plan for and participate in the campaign and celebration
  - a. Plan – Use signs, OVN Ads, mailed material, OV Blog, email blasts.
  - b. Permitted signs – onsite only until day of event, which directional signs are used.
4. Issue – Dispersed location of residents and obscure site of event make an on-site sign of little use until the day of the event. We need to reach people 17 times (at least) for understanding. A sign is the most cost-effective way to reach people repetitively.
5. Proposal – to add a sign type called Public Event/Special Event Off-Site Banner, with a maximum number of 2 and a maximum size of 4' x 8'. Display may begin 60 days before the event and no more than 7 days consecutively without removal for at least 7 days (when display cycle could begin again).

To accomplish the mission, which they have they need to have two off-site signs total per event. For the amazing raise, they would like to put the signs up from now until September: They have permission to have one on Dr. Harrison's Barn on Highway 39 and one on Mr. Pack's fence on Highway 58.

**MOTION:** Commissioner Warburton moved to recommend approval of ZTA 2012-04 Amendments to the Weber County Zoning Ordinance Chapter 32B (Ogden Valley Signs), Chapter 1 (General Provisions) regarding the provisions for temporary signage including political signs and to also include a sign type called Public Event Off-Site Banner, with a maximum number of 2 and a maximum size of 4' x 8'. Display may begin 60 days before the event and removal the day after the event. Commissioner Graves seconded the motion.

**DISCUSSION:**

Rob Scott indicated that he appreciates having the maximum number, but they also need to have a maximum height (installed off the ground). The Farmers Market provision sign is 10' so Rob Scott said he believes 10' maximum seems reasonable.

Commissioner Graves said he is concerned allowing a sign on the old barn that . The barn has become like an icon in the Valley. The location is probably a good one because everyone sees that. Commissioner Warburton said the Ogden Valley News is an option for advertising. She believes The Ogden Valley News is also iconic in the Valley.

Steve Clarke asked how they define an event because their event is a two-month event.

Rob Scott said they need to apply for a special event with the County. Mr. Clarke replied that they have submitted an application.

Steve Clarke said they have an agreement with the Valley Market to display a large thermometer showing the fundraising progress. Rob Scott said he would have to research what signage is allowed for the Valley Market.



Commissioner Montgomery said signs could become unsightly over 60 days. Commissioner Warburton asked who would enforce that standard. Rob Scott indicated that our ordinances only address the safety, not the sign quality, and Commissioner Montgomery agreed. Commissioner Graves said the conceivably there could be twenty signs for 60 days. Rob Scott said the Planning Division's jurisdiction with special events is only for signs. Commissioner Warburton asked Steve Clarke the cost of a 4'x8' sign. Steve Clarke said the 4'x8' signs cost them \$600. Steve Clarke said he believes their event is unique in many ways.

Commissioner Montgomery said he is comfortable with allowing two well-maintained signs per event, but he does not want unsightly signs up for 60 days. Commissioner Graves voiced his concern of the unintended consequences that there will be more signs than they really want.

Chair Parson asked if the signs could be displayed in front of the schools if approved by the school district.

FRIENDLY AMENDMENT: Commissioner Montgomery proposed a friendly amendment as follows: The special event signs could be displayed for 30 days prior to the event, the signs could be 10 ft. high maximum, and the signs are to be removed one day after the event. Commissioner Warburton accepted the friendly amendment.

MOTION: Commissioner Warburton moved to recommend approval of ZTA 2012-04 Amendments to the Weber County Zoning Ordinance Chapter 32B (Ogden Valley Signs), Chapter 1 (General Provisions) regarding the provisions for temporary signage including political signs and to also include a sign type called Public Event Off-Site Banner, with a maximum number of 2 and a maximum size of 4' x 8' and 10' high. Display may begin 30 days before the event with removal the day after the event. Commissioner Graves seconded the motion. VOTE: Chair Parson indicated that the motion carried unanimously (5-0).

**3. Public Comments:**

Steve Clarke said he has spent a lot of time talking with Randy Shepherd about his proposal. What he observed is that this is a terrific example of big money coming to the Ogden Valley. In his mind, it only highlights the urgency for doing land use planning, especially the commercial nodes study, in the Ogden Valley.

**4. Planning Commissioner's Remarks:**

Commissioner Warburton asked if they could approve the agenda at the beginning of the meeting. Rob Scott said the Rules of Order covers that once an agenda is prepared, that is the agenda until a motion is made to change it. Commissioner Graves said they do not move items very often. Commissioner Warburton said she likes Rules of Order.

Commissioner Montgomery asked to be excused for the June 5, 2012 work session, as he would be out of town.

**6. Staff Communications:**

**6-1. Planning Director's Report**

Rob Scott indicated that Justin Morris has resigned and has taken a position in Salt Lake City

**7. Adjourn**

There Being No Further Business, the meeting was adjourned at 7:55 p.m.

Respectfully Submitted,

Sherri L. Sillitoe, Secretary  
Weber County Planning Division